

STATE HOUSE COMMISSION
FINAL APPLICATION
N.J.A.C. 7:36-21.4

PRIOR TO SUBMITTING THE FINAL APPLICATION: The pre-application must be reviewed by the Green Acres Program and the applicant must be given permission by Green Acres to file the final application. (*N.J.A.C. 7:36-21.2(d)*)

THE FINAL APPLICATION MUST BE SUBMITTED 75 DAYS PRIOR TO THE STATE HOUSE COMMISSION MEETING: The State House Commission usually meets around the 15th of March, June, September, and December; these dates are to be used ONLY as guidelines. The Green Acres Program will notify the applicant of the scheduled State House Commission meeting once the meeting date is announced.

PERMISSION TO SUBMIT A FINAL APPLICATION DOES NOT CONSTITUTE APPROVAL FOR THE PROPOSED DIVERSION PROJECT. FINAL APPROVAL OF AN APPLICATION TO DIVERT ENCUMBERED PARKLAND MAY ONLY BE GRANTED BY THE DEP COMMISSIONER AND THE STATE HOUSE COMMISSION.

Green Acres Program
State House Commission
Final Application

Final Application Requirements

The Green Acres Program will notify the applicant to proceed in submitting the following final application* (as applicable) if the proposed diversion meets the requirements of N.J.A.C. 7:36-21.4. One through ten of this application must be submitted 75 days prior to the meeting of the State House Commission.

Note: *For the county's convenience Attachment I (for diversion of **county lands only**) details how counties can couple the requirements of N.J.S.A. 40A:12-13.5 et seq. with Green Acres requirements.*

- ___ 1. Appraisal(s) of proposed diverted parcel(s) and of the proposed replacement land. N.J.A.C. 7:36-21.4(a)1 (**Attachment II:** Appraisal Requirements)
- ___ 2. Title Report for the proposed replacement land. N.J.A.C. 7:36-21.4(a)2
- ___ 3. Environmental Assessment Report. N.J.A.C. 7:36-21.4(a)3 (**Attachment III:** Environmental Evaluation Checklist)
- ___ 4. Preliminary Assessment Report for proposed replacement land. N.J.A.C. 7:36-21.4(a)4 (**Attachment IV:** Preliminary Assessment Hazardous Waste Questionnaire)
- ___ 5. Surveys (**5** copies): 2 copies for the proposed diverted parcel(s), 2 copies for the proposed replacement land and 1 digital file on 3 ½ " diskette or cd-rom and the survey checklist. N.J.A.C. 7:36-21.4(a)5 (**Attachment V:** Survey Checklist)
- ___ 6. Metes and Bounds Descriptions, signed and sealed (**2** copies). N.J.A.C. 7:36-21.4(a)6
- ___ 7. Aerial** Site Maps for both the diversion and the replacement proposals (**20** copies each). N.J.A.C. 7:36-21.4(a)7 (this can be combined with #8 if appropriate)
- ___ 8. Reference Map(s) showing general location of parkland (**2** copies). N.J.A.C. 7:36-21.4(a)8 (**Attachment VI:** 8 ½ "x 11" Sample Reference Map)
- ___ 9. Attorney Opinion Letter. N.J.A.C. 7:36-21.4(a)12 (**Attachment VII:** Attorney Opinion/Review Form)
- ___ 10. Please attach this cover page (checklist).

Submit the above items prior to advertising or holding the required public hearing. The Green Acres Program will review the submission and determine if the submission is complete for the public hearing. After the public hearing is held, please submit the following items to complete the application:

- ___ 11a. Proof of timely Public Hearing Notification and Publication N.J.A.C. 7:36-21.4(a)10
- ___ b. Public Hearing Minutes/Transcript N.J.A.C. 7:36-21.4(a)11
- ___ c. Governing Body Resolution N.J.A.C. 7:36-21.4(a)9 (**Attachment VIII:** Sample Resolution)

*This package is also available at www.state.nj.us/dep/greenacres.

** If this is beyond the applicant's technological capabilities please substitute appropriately.

Green Acres Program
State House Commission
Final Application

Attachment I:
Combining Requirements

Chapter 36 of the Public Laws of 1993 or *N.J.S.A. 40A:12-13.5 et. seq.* and *N.J.A.C. 7:36-21.4* When a **county** intends to sell or lease land for a term of 20 years or more, or exchange any real property or capital improvement for any purpose, the above bill applies. Prior to the transfer of the real property or capital improvement the county must follow these additional procedures. The county may assess and collect a reasonable fee for administrative costs from the person to whom the real property or capital is to be transferred. This fee can be collected whether or not the real property or capital is transferred. **Noted herein is a summary of *N.J.S.A. 40A:12-13.5 et. seq.* and the areas that it overlaps with and may be procedurally combined with *N.J.A.C. 7:36-21.4*.** In addition to any other applicable laws, the following steps are required:

Report

The county must prepare a report which shall include the following:

- Reasons for the sale, lease or exchange;
- Advantages and disadvantages and benefits and detriments of the proposed sale, lease or exchange;
- Assessment of the environmental impact;
- Assessment of the economic value of the real property or capital improvement proposed to be transferred under both it's current and proposed use.

(This information should have also been compiled in the Green Acres Program pre and final applications for diverting parkland)

The report must be made available, free of cost or at the cost of reproduction, to the public, at least thirty (30) days before the first public hearing and must be available at each public hearing.

Public Hearing

Two public hearings must be held:

- Ninety (90) days prior to the sale, lease, or exchange;
- One in the county seat;
- One in the municipality where the real property or capital is located. (Note: If the county seat and municipality are the same only one hearing must be held.)
- At least fourteen (14) days apart; ***(One of the public hearings held can satisfy the Green Acres public hearing requirement provided that the notice is properly advertised.)***

Notice of hearing must be provided thirty (30) days prior to the hearings.

- Notice by mail to the following:
 - i) all parties to the sale, lease or exchange
 - ii) governing body and municipal clerk of all municipalities in county;
 - iii) all persons who submit an advance written request to receive notice.
- Serve or mail notice to all of real property within 200 feet, in all directions, of the real property or capital to be transferred;
- Publish notice in newspaper of general circulation in the county and in the municipality.

Notice Content:

- A general description and location of the real property or capital to be transferred; (i.e. street address and Block and Lot)
- The parties involved in the proposed transfer;
- A description of the current and proposed transfer;
- The date, time and place of the hearing;
- Inform the public that written comments may be submitted to the county before the date of the hearing;
- Description of the comment procedure;
- The contact information for the person to whom comments should be submitted, and from whom information or copies of the report for the proposed transfer can be requested.
- Any additional information required by the county.

Green Acres Program
State House Commission
Final Application

Attachment II:
Appraisal Requirements

N.J.A.C. 7:36-21.4(a)1.ii

*In any appraisal of parkland proposed to be disposed of or diverted, **the highest and best use** shall be considered to be the use intended subsequent to the disposal or diversion, if the disposal or diversion would result in a higher economic value for the land;*

Appraisal procedures N.J.A.C. 7:36-6.6(a-d)

- (a) For a parcel with an estimated land value of less than \$250,000, the applicant shall obtain at least one professionally and independently prepared appraisal, or, at its option, it may obtain two. For a parcel with an estimated land value of \$250,000 or more, the applicant shall obtain two professionally and independently prepared appraisals.
- (b) The applicant shall obtain each appraisal required under (a) above as follows:
 - 1. The applicant shall request a meeting with Green Acres staff to discuss the selection and hiring of an appraiser and the scope of work;**
 - 2. The applicant shall hire a State-certified appraiser* who Green Acres has approved based on such appraiser's work experience, professional certification, and sample work product;
 - 3. All appraisals shall be prepared in the format supplied to the applicant by Green Acres;
 - 4. The applicant shall request a meeting with Green Acres staff and the appraiser(s) to discuss the scope of work and to visit the project site, prior to starting the appraisal(s); and**
 - 5. The applicant shall submit to Green Acres one copy of each completed appraisal.
- (c) Green Acres shall require an applicant to obtain a report by an engineer, architect, or other specialist to supplement the appraisal of the project site if Green Acres determines that the unique nature of the project site necessitates a cost approach to valuation.
- (d) The applicant shall immediately submit to Green Acres, in writing, any information it has which could affect the appraised value of the project site.

***A list of State-certified appraisers can be found at
www.state.nj.us/dep/greenacres/appraisers.doc.**

Green Acres Program
State House Commission
Final Application

Attachment III:
Environmental Evaluation Checklist

An environmental evaluation should provide a summary of the effects of the proposed project on the environment of the area, including the effect on the parcel remaining in State ownership. Please note that this environmental evaluation is less comprehensive and less rigorous version of the environmental impact statement (EIS), however it is a means to project what affect the proposed conveyance will have on the surrounding area from an environmental perspective. All items referenced in a particular category may not be applicable; check the appropriate items to be impacted by the proposed conveyance and separately provide further explanation of the impact and briefly indicate why other items are not applicable and hence not addressed.

- Update the permit checklist
- Describe the soil characteristics, land form, hydrological features, and biological/environmental resources of the area
- Describe the site land use, adjacent land use, access and transportation patterns, zoning, population density and demographics
- Describe the existing cultural and social factors, and historical resources

If the proposed conveyance were to occur the impacts to or occurrence of “the following items in the checklist” would be what? (Impacts: causing direct or indirect changes in the existing environment, whether beneficial or adverse, which are anticipated as a result of the proposed action or related future actions and uses.) Additionally describe measures taken to reduce or eliminate these impacts.

- public access and use of public recreational facilities
- endangered/threatened species and habitat (see attached fax sheet to contact the State Natural Heritage Data Services)
- noise
- odor
- airborne transmission of pollutants
- storm water runoff
- erosion, sedimentation, flood levels
- pollutants into waterways
- increased flow into waterways
- number of trees with 6” DBH affected/removed
- flood plains, steep slopes, wetlands
- aquatic biota and habitats
- groundwater quality and quantity
- pollutants into soil
- social, cultural and historic resources
- aesthetics of the area, buffers
- any cumulative effects

Green Acres Program
State House Commission
Final Application

Attachment IV:
Preliminary Assessment Hazardous Waste Questionnaire

Block:

Lot:

Owner:

Municipality:

Street Location:

Please answer the following questions and forward the completed form with the completed State House Commission application:

1. To the best of your knowledge, are there any existing or former locations on or in the immediate vicinity of the subject parcel where hazardous substances, hazardous wastes, or pollutants are known or suspected to have been discharged, generated, manufactured, refined, transported, stored, handled, treated, or disposed, or areas where hazardous substances, hazardous wastes, or pollutants have or may have migrated onto the subject parcel?

Yes____ **No**____ if you have answered **no**, please sign and return form. If you have answered **yes**, please go on to question #2.

2. If you answered **yes** to question #1, please provide as detailed a description as possible of the type of discharge event(s), and/or industrial facility type(s), and whether any cleanup response is known or suspected to have occurred (please attach additional sheets as needed).

Local Official completing questionnaire (name and title)

Signature

Date

Green Acres Program
State House Commission
Final Application

**Attachment V:
Survey Checklist**

The Applicant should provide this checklist to their project surveyor and advise him/her to use the Green Acres Survey Guidelines found at www.state.nj.us/dep/greenacres. The applicant's project surveyor may contact the Green Acres survey review staff at (609) 984-0500 with any questions.

To obtain clear, concise and accurate land survey documents that represent the intention of parties and meet the requirements for the conveyance and other acquisition and management goals of the state the following documents are required for the survey package to be considered complete:

- Plan of Survey that graphically depicts the size, area, shape and present utility of the land about to become subject to Green Acres encumbrance;
- Metes and bounds descriptions of property corresponding to the survey plan, that defines the physical and legal boundaries of the property according to the conditions of title, the intention of parties and other legal parameters subject to the final deed document;
- Reduced plan of survey that is attached to the Description of Property for quick reference and public notice;
- Surveyor's Certification and Summary Form; and
- Digital information used to maintain and extend Green Acre Parcel Coverages in the NJDEP GIS/LIS.
- Green Acres survey review and approval certification

KEY ELEMENTS OF SURVEY PLAN: A survey must be done for both the proposed diversion and the proposed replacement; the following checklist can be used for both.

____ **Existing Survey:** if the surveyor or applicant can provide a reference survey of the entire tract and the proposed diversion area is a portion of that larger tract previously surveyed, the diversion survey plan may be drawn to only include the area of proposed diversion and so much of the entire tract that may fall within 250 feet of the diversion line; or

____ **No Existing Survey:** if there is no existing survey on file, the proposed diversion must be surveyed as a portion of the entire tract

____ **Coordinate Values:** New Jersey State Plane Coordinate System (NJSPCS NAD83)
North and East grid coordinate values given on the POB in feet to two decimal places

____ **Point of Beginning** (POB) labeled, tied to corner of record, NJPCS with monument set

____ **Corner Markers** set at limits of the project area and note if any corner omitted

____ **Note** areas in acres provided for total for proposed diversion parcel and/or proposed replacement parcel and individual lots within survey;

____ Note all road ROW widths and area stated if included in lines of survey;

____ Note riparian claim lines of the State of NJ and area stated if included in the lines of survey;

____ Note areas of any overlaps or areas of clouded title if included in the lines of survey;

____ Note area under water for water bodies included within the lines of survey;

____ Note areas of adjoining deed gores clearly shown and labeled (may be taken in quit claim);

____ Note encroachments identified and dimensioned to nearest property line;

____ Note subdivided partial acquisitions of lots clearly labeled with calculated areas given

____ **Tie Lines** are required along rivers and streams and in all other instances where needed for the purpose of providing mathematical closure in lieu of general calls

____ **Label** the area of Green Acres restriction;

____ Label tax block and lot numbers and adjoining owners' names noted on plat Deed references;

____ Label North arrow with reference to NJSPCS NAD83 grid coordinate

____ **Legend** of proposed diversion and/or replacement acquisition provided (owner's name, blocks/lots, and Project Name and Number)

____ **Location Map** such as USGS or other labeled to show site

Green Acres Program
State House Commission
Final Application

Attachment V continued...

- _____ **Standard Certification** to the Local unit, the State of New Jersey and title company
- _____ **Plan Signed** by NJ licensed land surveyor, dated and bearing a raised impression seal
- _____ **Digital Files** are to be given in .dxf or .dwg format; copy required on 3 ½" diskette or cd

FORMAT OF METES AND BOUNDS DESCRIPTION: Legal descriptions must be done for both the proposed diversion and the proposed replacement; the following checklist can be used for both. **No information included that is not also on plan.**

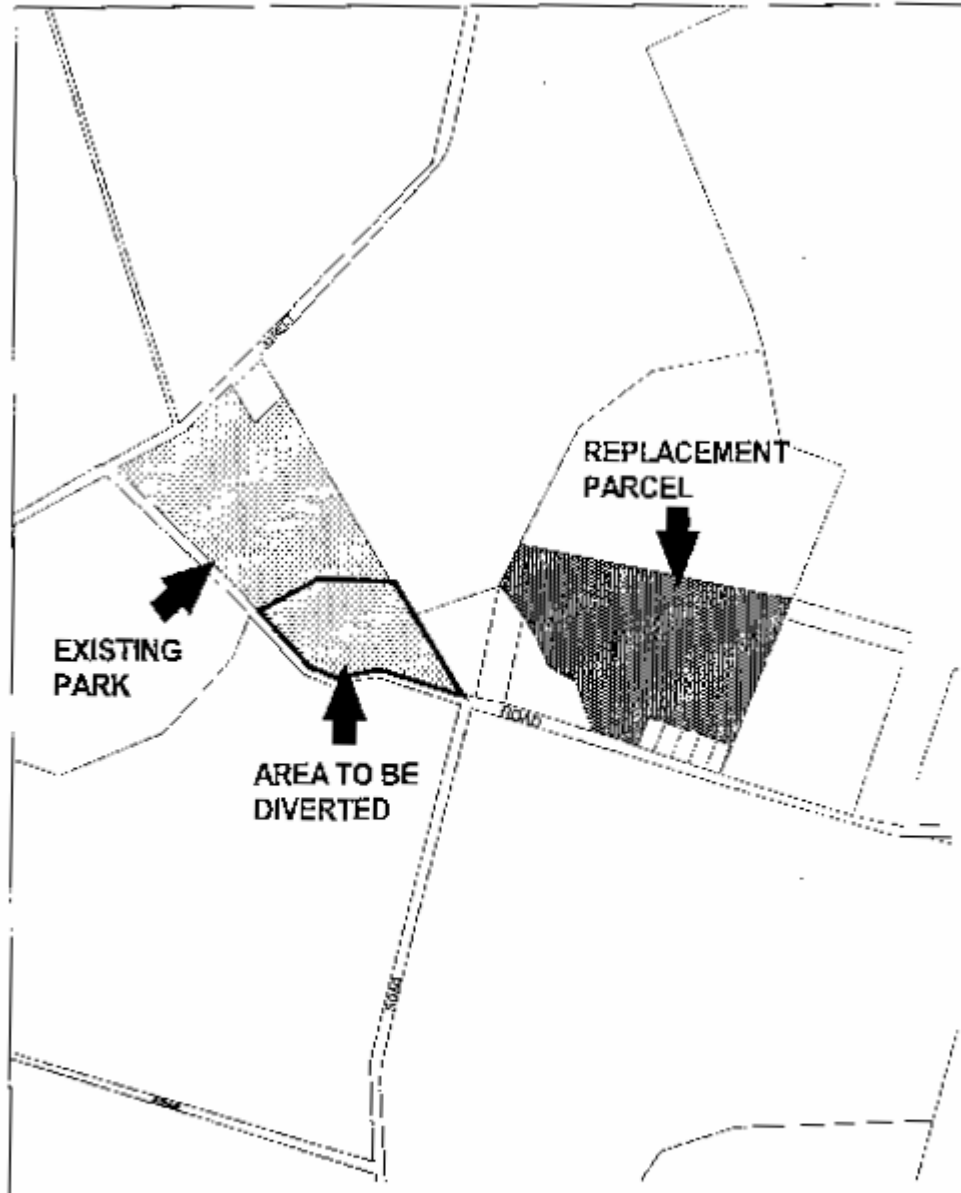
- _____ Original Company Letterhead
- _____ **Heading** including: project information, block(s) and lot(s), municipality, and street address;
- _____ **First Paragraph** ties to a record corner including the description POB* with NJSPCS NAD83 grid coordinate
- _____ **Body**: include the course(s) number(s)
- _____ **Additional Paragraph**: Total Area and individual lot areas are to be included in description
- _____ **Qualifying Clauses**: "subject to" must be described
- _____ **Augmenting Clauses**: "together with" must be described
- _____ **Final Paragraph** of description references survey (call for survey)
- _____ **Original Signature** of N.J. Lic. Land Surveyor on document (no rubber stamp)
- _____ **Original Raised Seal** of N.J. Lic. Land Surveyor on document
- _____ **Reduced Copy** of survey plan attached to descriptions
- _____ Proofread Description of Property

The survey items that are forwarded to Green Acres are subject to review for acceptance. The application will not be considered complete until the survey is approved per the above checklist.

SUBMIT THIS CHECKLIST WITH THE FINAL PACKAGE; check the appropriate completed items.

Green Acres Program
State House Commission
Final Application

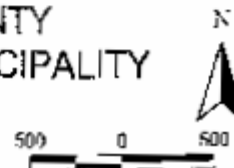
Attachment VI:
8 1/2" x 11" Sample Reference Map



PROJECT NAME

YOUR COUNTY
YOUR MUNICIPALITY

STATE OF NEW JERSEY
DEPT. OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM



Green Acres Program
State House Commission
Final Application

Attachment VII:
Attorney Opinion/Review Form

LEGAL OPINION

RE: APPLICATION OF (insert: *MUNICIPALITY/COUNTY/NON-PROFIT*) **FOR THE
DIVERSION OF A PORTION OF** (insert: *PARK NAME*) **FOR**
(insert: *REASON OF DIVERSION/DISPOSAL*)

I have reviewed the entire application for Commissioner and State House Commission approval. The (insert: *MUNICIPALITY/COUNTY/NON-PROFIT*) proposes a (insert: *DIVERSION OF/OR DISPOSAL OF*)(insert: *PARK NAME*) (insert: *MUNCIPAL TAX MAP BLOCK/LOT*) for (insert: *REASON OF DIVERSION OR DISPOSAL*).

To the best of my knowledge, information and belief, after due inquiry, it is my opinion that the (insert: *MUNICIPALITY/COUNTY/NON-PROFIT*) is empowered to proceed with the proposed application. Further, in regard thereto, it is my opinion that the (insert: *MUNICIPALITY/COUNTY/NON-PROFIT*) is not in violation of any applicable Federal, State, or local laws, rules, regulations, codes, or ordinances.

(DATE)

(NAME)
(TITLE)

Green Acres Program
State House Commission
Final Application

Attachment VIII:
Sample Resolution

(insert: Local Unit)

RESOLUTION
(insert: #)

**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION APPLICATION TO
THE NJDEP GREEN ACRES PROGRAM FOR
*(insert: DESCRIPTION OF DIVERSION/DISPOSAL)***

WHEREAS, Block *(insert: #)*, Lot *(insert: #)* is part of the *(insert: Local Unit)* *(insert: Park name)* which is encumbered with restrictions against disposal or diversion from recreation and conservation uses under the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, in conjunction with the proposed *(insert: project description)*, it is necessary to submit a Resolution affirming *(insert: Local Unit)* support of the application to the State House Commission for the diversion of a portion of Block *(insert: #)*, Lot *(insert: #)*; and

WHEREAS, the area to be diverted/disposed of comprises *(insert: size in acres)* and has been valued at *(insert: value)*; and

WHEREAS, *(insert: Local Unit)* agrees to compensate for the diversion or disposal by *(insert: description of agreed compensation)*; and

NOW THEREFORE, BE IT RESOLVED by the *(insert: Local Unit governing body)* of the *(insert: Local Unit)*, in the County of *(insert: County Name)*, State of New Jersey as follows:

The *(insert: Local Unit)* supports the application for the *(insert: park name/diversion name)* to the State House Commission.

DATE: *(insert: date)*

(insert: Local Unit Name)

BY: _____
(insert: Title)

ATTEST: _____
(insert: Title)